

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. 5:23-cv-00941-JLS-AJR

Date: February 27, 2024
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Title: Michael D. Bolton v. Steve's Towing et al.

DOCKET ENTRY: **ORDER TO SHOW CAUSE RE FAILURE TO FILE AMENDED COMPLAINT AND WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez
Deputy Clerk

None
Court Reporter/Recorder

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS)

On May 23, 2023, *pro se* Plaintiff Michael Dwayne Bolton ("Plaintiff") filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against (1) Steve's Towing, "Marcia" Impounds/Storage Clerk and (2) "John Jane Doe's, Attendants Steve's Impound Bus. [sic]" in their individual and official capacities. (See Dkt. 1 "Complaint.") On September 1, 2023 this Court dismissed Plaintiff's Complaint with leave to amend for various pleading deficiencies and ordered Plaintiff to file a First Amended Complaint ("FAC"). (Dkt. 9.) On November 16, 2023, Plaintiff filed a FAC naming the following defendants: (1) "the defendant," (2) "john does," (3) "Officer David Thomas," and (4) "the privately owned business and municipality agency." (Dkt. 21.) On November 22, 2023, this Court dismissed Plaintiff's FAC with leave to amend and directed Plaintiff to file a Second Amended Complaint ("SAC") on or before December 22, 2023. (Dkt. 23.) On January 2, 2024 the Court extended Plaintiff's deadline to file a SAC to February 1, 2024. (Dkt. 27.)

More than three weeks have passed since Plaintiff's deadline to file a SAC in

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response to the Court's Order. As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. The action cannot move forward unless and until Plaintiff files an amended complaint. Plaintiff is ordered to file a SAC, if any, by **March 12, 2024** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a SAC, it should attempt to remedy the pleading defects identified in the November 22, 2023 dismissal order (Dkt. 23), bear the docket number assigned to this case (5:23-cv-00941-JLS-AJR), be labeled "Second Amended Complaint," and be complete in and of itself without reference to the original Complaint, the FAC, or any other documents (except any documents that Plaintiff chooses to attach to the SAC as exhibits). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a SAC, he is strongly encouraged to utilize the form complaint attached to this Order.

Plaintiff is expressly advised that if he does not file a SAC by the Court's deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders. If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c). Pro Se 15, Complaint for Violation of Civil Rights (Non-Prisoner), available at <https://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rights-non-prisoner>.